

**REMARKS**

Applicants respectfully request reconsideration of the present application in view of the reasons that follow. Claims 1, 32, 34, 37, 39, and 43 have been amended. No new matter has been added by way of these amendments. Claims 1, 2, 4, 6-10, and 31-46 remain pending in this application.

*Despite the finality of the present Office Action, Applicants respectfully request entry of the claim amendments. Claims 1, 32, 37, and 43 have been amended to include elements similar to those previously presented in Claims 34 and 43. In addition, Applicants respectfully submit that the claim amendments put the present application in condition for allowance. Accordingly, Applicants respectfully submit that no new search is required.*

**I. Rejection of Claims 1, 2, 4, 6-10, 32-39, 41, 43, and 45 under 35 U.S.C. § 103(a)**

Claims 1, 2, 4, 6-10, 32-39, 41, 43, and 45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0065564 to Sheriff et al. (hereinafter “Sheriff”) in view of U.S. Patent No. 7,072,697 to Lappetelainen et al. (hereinafter “Lappetelainen”). Independent Claims 1, 32, 37, and 43 have been amended, rendering the rejection moot. Applicants respectfully submit that Sheriff and Lappetelainen, alone or in combination, fail to disclose, teach, or suggest at least one element of independent Claims 1, 32, 37, and 43.

Amended independent Claim 1 recites, in part, that “the wireless receiver subsystem is configured to continuously and automatically cycle between a first power mode and a second power mode at least until the signal is received by the wireless receiver” (emphasis added). Although different in scope, amended independent Claims 32, 37, and 43 recite similar elements. Applicants respectfully submit that Sheriff and Lappetelainen, alone or in combination, fail to disclose, teach, or suggest such elements.

Regarding previous Claim 34, the Examiner stated that “Lappetelainen further teaches wherein the microprocessor cycle between a first and a second power mode ... (Columns 10

lines 1-30, lines 45-59 ... ).” Column 10, lines 1-30 and 45-53 of Lappetelainen states (with emphasis added):

FIG. 6 is a flow chart of a wake up method according to one embodiment of the present invention. As in the case of the prior art, the method starts from a sleep mode or idle mode 40 of the low power radio device. In a second step of the invention, a detector detects a wake up event 42. A wake up event can e.g. be the detection of an energy level at the antenna above a predetermined threshold. After the detection of said wake up event, the device enters a first operative status 44 by activating or waking up a controller. The controller determines, if the device is actually in a passive mode e.g. by reading out the status of a timer and suppresses the detected wake up event if the device is in the passive mode and returns to the passive mode 54 (without resetting the timer). In the case the device is not in the passive mode, the controller puts the whole low power radio device to a fully operative status, power up mode II 48. After the device has reached the fully operative power up mode II 48 a timer controlled delay 49 is activated to prevent that the present device starts transmitting advertisements simultaneous with other devices present. A single wake up event e.g. in a CD store with hundreds of such devices would otherwise lead to a great number of simultaneously transmitted advertisements jamming the reply frequency and making a connection setup impossible. After the delay, the device transmits 50 at least one advertisement message via a transmitter, and waits for a response within a defined time frame. If a response is received, the device sets up a connection according to known protocols 56 and transmits data 58, and then returns to the initial sleep mode 40, without entering the passive mode 54. ...

The low power device in idle or sleep mode can activate its transponder at least in every time the timer runs out. After such an automatically generated advertisement, the device can return to the initial sleep mode 40, to prevent that the device is getting hooked up in a passive mode loop. If an energy level of above a predetermined threshold is measured, a single advertisement is activated or a time driven periodic advertisement process is activated for a certain second time period.

Accordingly, Lappetelainen discloses a “detector” that remains in a “sleep mode” until a “wake up event” is detected. Lappetelainen further discloses that the “wake up event” consists of the “detection of an energy level at the antenna above a predetermined threshold.”

As such, Lappetelainen requires the reception of a signal at the antenna in order to initiate a change from the “sleep mode” to another mode. After generation of an advertisement, the device automatically returns to the “sleep mode” until another signal is detected by the “detector.” In contrast, Claim 1 recites “continuously and automatically cycl[ing] between a first power mode and a second power mode at least until the signal is received by the wireless receiver.” Lappetelainen fails to disclose, teach, or suggest such an element. The device of Lappetelainen remains in a “sleep mode” until the “detector” detects a “wake up event.” Remaining in a sleep mode for an indeterminate amount of time until a signal is received is not the same as “continuously and automatically cycling between a first power mode and a second power mode,” as claimed.

The Examiner does not assert that Sheriff discloses a “wireless receiver subsystem [that] is configured to continuously and automatically cycle between a first power mode and a second power mode at least until the signal is received by the wireless receiver,” and indeed Sheriff does not provide such a disclosure. Accordingly, Sheriff and Lappetelainen, alone or in combination, fails to disclose, teach, or suggest that “the wireless receiver subsystem is configured to continuously and automatically cycle between a first power mode and a second power mode at least until the signal is received by the wireless receiver,” as recited in Claim 1 (and similar elements recited in Claims 32, 37, and 43).

For at least the foregoing reasons, Applicants respectfully request submit that the combination of Sheriff and Lappetelainen fails to disclose, teach, or suggest at least one element recited in each of independent Claims 1, 32, 37, and 43 (and their associated dependent claims). Accordingly, Applicants respectfully request withdrawal of the rejection of Claims 1, 2, 4, 6-10, 32-39, 41, 43, and 45 under 35 U.S.C. § 103(a).

## **II. Rejection of Claim 31 under 35 U.S.C. § 103(a)**

Claim 31 was rejected under 35 U.S.C. 103(a) over Sheriff and Lappetelainen in view of U.S. Patent Application Publication No. 2004/0029621 to Karaoguz et al. (hereinafter “Karaoguz”). Applicants respectfully traverse the rejection.

Claim 31 depends from Claim 1. As discussed above, the combination of Sheriff and Lappetelainen fails to disclose, teach, or suggest all of the elements of Claim 1. Likewise, Karaoguz fails to disclose, teach, or suggest a “wireless receiver subsystem is configured to continuously and automatically cycle between a first power mode and a second power mode at least until the signal is received by the wireless receiver,” as recited in Claim 1. Accordingly, the combination of Sheriff, Lappetelainen, and Karaoguz also fails to disclose, teach, or suggest all of the elements of Claim 1 and Claim 31, which depends from Claim 1.

Applicants therefore respectfully request withdrawal of the rejection of Claim 31 under 35 U.S.C. § 103(a).

**III. Rejection of Claims 40 and 44 under 35 U.S.C. § 103(a)**

Claims 40 and 44 were rejected under 35 U.S.C. 103(a) over Sheriff and Lappetelainen in view of U.S. Patent No. 5,812,942 to Allen et al. (hereinafter “Allen”). Applicants respectfully traverse the rejection.

Claims 40 and 44 depend from Claims 37 and 43 respectively. Like Sheriff and Lappetelainen, Allen fails to disclose, teach, or suggest “continuously and automatically cycling a wireless receiver subsystem of a portable device between a first power mode and a second power mode at least until a wireless signal is received a wireless receiver of the wireless receiver subsystem,” as recited in Claims 37 and 43. Thus, the combination of Sheriff, Lappetelainen, and Allen also fails to disclose, teach, or suggest all of the elements of Claims 40 and 44.

Applicants therefore respectfully request withdrawal of the rejection of Claims 40 and 44 under 35 U.S.C. § 103(a).

**IV. Rejection of Claims 40 and 44 under 35 U.S.C. § 103(a)**

Claims 42 and 46 were rejected under 35 U.S.C. 103(a) over Sheriff and Lappetelainen in view of U.S. Patent Application Publication No. 20002/0066018 to Linnartz (hereinafter “Linnartz”). Applicants respectfully traverse the rejection.

Claims 42 and 46 depend from Claims 37 and 43 respectively. Like Sheriff and Lappetelainen, Linnartz fails to disclose, teach, or suggest “continuously and automatically cycling a wireless receiver subsystem of a portable device between a first power mode and a second power mode at least until a wireless signal is received a wireless receiver of the wireless receiver subsystem,” as recited in Claims 37 and 43. Thus, the combination of Sheriff, Lappetelainen, and Linnartz also fails to disclose, teach, or suggest all of the elements of Claims 42 and 46.

Applicants therefore respectfully request withdrawal of the rejection of Claims 42 and 46 under 35 U.S.C. § 103(a).

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

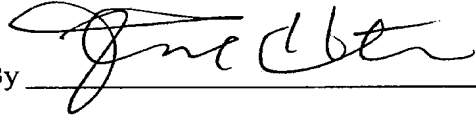
The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extension of time is needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extension fee to Deposit Account No. 19-0741.

Respectfully submitted,

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